

GREGORY A. CHAIMOV, OSB 822180
gregchaimov@dwt.com
P. ANDREW McSTAY, JR., OSB 033997
andrewmcstay@dwt.com
DAVIS WRIGHT TREMAINE LLP
1300 S.W. Fifth Avenue, Suite 2300
Portland, Oregon 97201
Telephone: 503-241-2300
Facsimile: 503-778-5299

Attorneys for Defendant BAC Home Loans Servicing, LP

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT MEDFORD

EDWARD & RENEE FISHER,

PLAINTIFF,

v.

BANK OF AMERICA HOME LOANS,

DEFENDANT.

Case No. 10-3079-PA

**DEFENDANT'S MOTION TO
DISMISS, DISSOLVE PRELIMINARY
INJUNCTION, AND EXPUNGE LIS
PENDENS**

Pursuant to FED. R. CIV. P. 12(b)(6)

Oral Argument Requested

LR 7.1 CERTIFICATION

Pursuant to LR 7.1, counsel for defendant certifies that he conferred with plaintiffs via telephone on September 29, 2010. Plaintiffs oppose these motions.

MOTIONS

Defendant BAC Home Loans Servicing, LP (erroneously listed as Bank of America Home Loans) moves to dismiss plaintiffs' complaint under FED. R. CIV. P. 12(b)(6) for failure to state a claim upon which relief may be granted. Defendant further moves to dissolve the

preliminary injunction entered by this court on August 30, 2010, and expunge the notice of lis pendens filed by plaintiffs on August 23, 2010.

In support of these motions, defendant submits the accompanying Memorandum in Support and Declaration of P. Andrew McStay, Jr. in Support.

DATED this 1st day of October, 2010.

DAVIS WRIGHT TREMAINE LLP

By /s/ P. Andrew McStay, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DEFENDANT'S MOTION TO DISMISS, DISSOLVE PRELIMINARY INJUNCTION, AND EXPUNGE LIS PENDENS** on:

Edward and Renee Fisher
3636 Princeton Way
Medford, OR 97504
ed.renee.fisher@gmail.com

Plaintiffs Pro Se

by mailing a copy today in a sealed, first-class postage prepaid envelope, addressed to plaintiffs' address listed above and deposited in the U.S. mail at Portland, Oregon;

by emailing a copy today to plaintiffs' email address listed above.

DATED this 1st day of October, 2010.

DAVIS WRIGHT TREMAINE LLP

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Attorneys for Defendant